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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHN DAVID PAMPLIN,

Plaintiff,

v.

WARDEN BAKER et al.,

Defendants.

3:16-cv-00745-MMD-VPC

ORDER

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections ("NDOC"), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed an application to proceed *in forma pauperis*, a motion for appointment of counsel, and a motion to supplement complaint. (ECF No. 1, 1-1, 1-3, 6).

The Court denies Plaintiff's motion to supplement (ECF No. 6) his complaint. The Court will not piecemeal together documents to form Plaintiff's complaint. Instead, the Court will grant Plaintiff leave to amend to file a fully, complete amended complaint. If Plaintiff chooses to file an amended complaint he is advised that an amended complaint supersedes (replaces) the original complaint and, thus, the amended complaint must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that "[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading supersedes the original"); *see also Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding that for claims dismissed with prejudice, a plaintiff is not required to reallege such claims in a subsequent amended complaint to preserve them for appeal). Plaintiff's amended complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to pursue in this lawsuit. Moreover, Plaintiff must file the amended complaint

1 on this Court's approved prisoner civil rights form and it must be entitled "First Amended
2 Complaint."

3 If Plaintiff chooses not to file an amended complaint, the Court will only screen the
4 complaint docketed at ECF No. 1-1 and will strike the supplement from the docket.

5 **II. CONCLUSION**

6 For the foregoing reasons, IT IS ORDERED that the motion to supplement (ECF No.
7 6) is denied.

8 IT IS FURTHER ORDERED that, if Plaintiff chooses to file an amended complaint,
9 Plaintiff shall file the amended complaint within 30 days from the date of entry of this order.

10 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the
11 approved form for filing a § 1983 complaint, instructions for the same, a copy of his original
12 complaint (ECF No. 1-1), and a copy of his supplement (ECF No. 6). If Plaintiff chooses to file
13 an amended complaint, he must use the approved form and he shall write the words "First
14 Amended" above the words "Civil Rights Complaint" in the caption.

15 IT IS FURTHER ORDERED that, if Plaintiff chooses not to file an amended complaint
16 within 30 days from the date of this order, the Court will strike the supplement from the docket
17 (ECF No. 6) and will only screen the original complaint (ECF No. 1-1).

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19 DATED: This 15th day of November, 2017.

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22 United States Magistrate Judge
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